

RESIDUES FROM U.S. NAVY SALVAGE FUEL BOILER

March 17, 1987

Dr. Wladimir Gulevich, Ph.D., P.E., Director
Bureau of Hazardous Waste Management
Commonwealth of Virginia
Department of Waste Management
11th Floor, Monroe Building
101 N. 14th Street
Richmond, Virginia 23219

Dear Dr. Gulevich:

This letter is in response to the various conversations we have had and your letter of January 15, 1987, in reference to the U.S. Navy salvage fuel boiler plant in Norfolk. I have also received from you EP tox data which indicate some ash from this plant exceeds EP concentration levels for lead and cadmium. I understand the U.S. Navy has proposed that residues from this plant be exempted from hazardous waste regulation by way of two regulatory exclusions.

The exclusion at 40 CFR, Section 261.4(b)(4) applies to residue primarily from combustion of coal or other fossil fuels. There is insufficient information to determine whether residue from the Norfolk facility qualifies for this exclusion. On January 13, 1981, the Agency offered an interpretation (copy enclosed) on the question of whether this exclusion extends to combustion wastes that result from the burning of mixtures of fossil and other fuels. In that interpretation, the exclusion was defined to include all wastes generated in the combustion of coal-waste mixtures where coal makes up more than 50% of the fuel mixture. This interpretation is still operative.

The "household waste exclusion" of 40 CFR 261.4(b)(1) turns not on the composition of the waste, but on whether the particular source of the waste can properly be characterized as a household. Based on the information you have provided, we see no basis for a conclusion that the Navy salvage fuel boiler plant is

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a household. In addition Section 223 of the Hazardous and Solid Waste Amendments of 1984 modified RCRA to provide an exemption for wastes at certain resource recovery facilities handling

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municipal solid waste. Based on the information available at this time, we do not believe there is a basis for excluding these boiler plant wastes under this provision.

The Agency is vigorously investigating the issue of disposal of residues from municipal waste combustion. We are aware of the growing concerns involved, and we are moving as rapidly as is prudent to acquire the data necessary for regulatory strategy development. I would be happy to meet with you, per your request, to discuss this issue. We can arrange a mutually convenient time following your receipt of this letter.

Thank you for your continued communication and cooperation. I look forward to seeing you soon. With kindest regards, I am,

Sincerely,

Gerry Dorian
Environmental Scientist

cc: Truett DeGeare
Mark Greenwood
Pat Pesacreta

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